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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/602,971

06/23/2000

H. Brock Kolls

BK-020-04

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08/16/2006

RATNERPRESTIA

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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/602,971

Applicant(s)

KOLLS, H. BROCK

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8,10,11,13-16,19 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,11,13-16,19 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-8, 10, 11, 13-16, 19, 22-25 have been examined. Application 09/602,971 (Internet based network for automotive applications including the facilitation of e-commerce and e-business, and management of wireless connectivity with vehicles) has a filing date 06/23/2000.

### ***Response to Amendment***

2. In response to Non Final Rejection filed 06/08/2006, the Applicant filed a Request for Reconsideration.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 11, 13-16, 19, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou (US 6,330,499).

As per claims 1 and 13, Chou teaches:

A network system for effectuating data communication between a vehicle and a data processing resource, said system comprising:

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an in-vehicle device (see figure 3, item 120) installed in said vehicle, said in-vehicle device having a first wireless network connectivity interface (see figure 3, item 102); and

store display accessible by a customer, said store display equipped with a communication interface device (see figure 1, item "dealer"; column 5, lines 49-52 "part ordering"; col 2, lines 53-55 "dealer 250 communicates with the vehicle 10"; col 7, lines 55-60) having:

a second wireless network connectivity interface (see figure 3, "HTTP TCP/IP"), said second wireless network connectivity interface adapted to data communicates with said first wireless network connectivity interface (see figure 1, "item 150E). It is inherent that if the vehicle 10 communicates directly with dealer 250 (see col 2, lines 52-55) and the vehicle 10 communicates via a wireless network (see figure1) that dealer 250 would include a wireless network interface to be able to communicate with the vehicle 10.; and

communication interface to communicate data between said second wireless network connectivity interface and said data processing resource adapted to effectuate data communication between said in-vehicle device and said data processing resource (see figure 1; col 7, lines 50-60).

As per claims 2 and 14, Chou teaches:

The network system in accordance with claim 1, wherein said communication interface device further comprises:

a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see figure 1).

As per claims 3 and 15, Chou teaches:

The network system in accordance with claim 2, wherein said wireless data connection includes at least one of the following:

- a wireless transceiver interface;
- said wireless device interface;
- a wireless modem interface (see figure 3, item 102);
- a wireless phone interface; or
- a wireless data link.

As per claims 4 and 16, Chou teaches:

The network system in accordance with claim 2, wherein said wireless device is at least one of the following:

- a wireless phone (see figure 3, item 102);
- a personal data assistant (see column 3, lines 52-55);
- a pager;
- a personal computer ;
- an Internet appliance (see figure 3, "internet"); or
- a programmable storage device.

As per claim 5, Chou teaches:

The network system in accordance with claim 1, wherein said in-vehicle device further comprises:

- a wireless data connection, said wireless data connection adapted to effectuate a data connection with a wireless device (see figure 3).

As per claim 6, Chou teaches:

The network system in accordance with claim 5, wherein said wireless data connection includes at least one of the following:

- a wireless transceiver interface;
- said wireless device interface;
- a wireless modem interface (see figure 3, item 102);
- a wireless phone interface; or
- a wireless data link (see figure 3).

As per claim 7, Chou teaches:

The network system in accordance with claim 5, wherein said wireless device is at least one of the following:

- a wireless phone (see figure 3, item 102);
- a personal data assistant (see column 3, lines 52-55);
- a pager;
- a personal computer;
- an Internet appliance; or
- a programmable storage device.

As per claim 8, Chou teaches:

The network system in accordance with claim 1, wherein said plurality of communication interfaces includes at least one of the following communication interface types:

- a wired data link (see figure 3);

- a wide area network connection (see figure 1);
- a network connection (see figure 1);
- a universal serial bus port (see column 3, lines 32-45);
- a personal data assistant interface;
- an RS232 interface (see column 3, lines 32-45);
- an RS485 interface;
- a carrier current interface;
- a network connection to the Internet (see figure 1);
- a modem interface (see figure 3, item 102);
- a wireless modem interface;
- a wireless phone transceiver;
- a wireless phone interface (see figure 3, item 102);
- a wireless data link; or
- a local area network interface.

As per claim 10, Chou teaches:

The network system in accordance with claim 1, wherein said data processing resource is one of the following:

- a global network data processing resource (see figure 1);
- a global network server (see figure 1);
- a global network application server (see figure 1);
- a global network database (see figure 1);
- a virtual private network

- an emergency monitoring network (see figure 1, item 200);
- a second communication interface device (see figure 1);
- a second in-vehicle device;
- a personal computer;
- a wireless phone;
- a personal data assistant;
- a pager;
- a pocket sized personal computer;
- a programmable storage device; or
- an Internet appliance.

As per claim 11, Chou teaches:

The network system in accordance with claim 1, wherein said plurality of communication interfaces data communicate by at least one of the following:

- a wireless connection (see figure 1);
- a wired connection (see figure 3);
- a personal data assistant interface;
- a wireless phone interface (see figure 3, item 102);
- an RS232 serial interface (see column 3, lines 32-45);
- an RS485 interface;
- a USB port interface;
- an ethernet connection;
- a TCP/IP type network connection (see figure 3);



a PPP type network connection;  
a SLIP type network connection;  
a socket layer network connection;  
BLUETOOTH protocol or standard; or  
Wireless Application Protocol or standard.

As per claim 19, Chou teaches:

A method of data communicating between an in-vehicle device installed in a vehicle and a data processing resource, said method comprising:

a) communicating a plurality of digital content wirelessly between an in-vehicle device and a store display equipped with a communication interface device, said store display accessible by a customer (see figure 3; column 5, lines 49-52; “dealer”);

b) routing said plurality of digital content from said store display to said data processing resource (see figure 1);

c) determining at said data processing resource a plurality of return digital content responsive at least in part to said plurality of digital content (see column 5, lines 40-52);

d) routing said plurality of return digital content to said store display (see column 5, lines 40-52 “dealer”); and

e) presenting said plurality of return digital content to said customer at said store display (see column 5, lines 42-52 “part ordering, dealer referencing”).

As per claim 22, Chou teaches:

The method in accordance with claim 19 further comprising, receiving a selection of one or more of said plurality of return digital content from said customer at said store display (see column 5, lined 42-52 "part ordering")

As per claim 23, Chou teaches:

The global network based data processing system in accordance with claim 13, wherein said data processing resource is a global network based data processing resource (see figure 1).

As per claims 24 and 25, Chou teaches:

The network system of claim 1, wherein said store display includes a plurality of products for sale (see column 5, lines 42-52 "dealer" and "part ordering")

### ***Response to Arguments***

4. Applicant's arguments filed 06/08/2006 have been fully considered but they are not persuasive. The Applicant argues that the dealer's network is not a "store display accessible by a customer" and furthermore is not equipped with the communication link 150, since the communication link is shown to be external to dealer network 250. The Examiner answers that Chou teaches the vehicle 10 can communicates directly with the dealer<sup>1</sup> and that customer access the dealer by talking with a sales representative in order to order parts and schedule repairs<sup>2</sup>. Therefore, contrary to Applicant's argument dealer 250 is a store display accessible by a customer. Furthermore, It is inherent that if the vehicle 10 communicates directly with dealer 250 (see col 2, lines 52-55) and the

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<sup>1</sup> Chou col 2, lines 52-55

<sup>2</sup> Chou col 7, lines 55-60

vehicle 10 communicates via a wireless network (see figure1) that dealer 250 would include a wireless network interface to be able to communicate with the vehicle 10.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.


**RAQUEL ALVARO**  
**PRIMARY EXAMINER**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra  
August 10, 2006



**RAQUEL ALVAREZ**  
**PRIMARY EXAMINER**